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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,370	07/03/2006	Neil Rideout	59006-8001.US01	2924
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PERKINS COIE LLP P.O. BOX 1208 SEATTLE, WA 98111-1208			EXAMINER KIANERSI, MITRA	
			ART UNIT 2445	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/534,370	<b>Applicant(s)</b> RIDEOUT, NEIL	
	<b>Examiner</b> MITRA KIANERSI	<b>Art Unit</b> 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/09/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-66 rejected under 35 U.S.C. 103(a) as being unpatentable over Tomada et al. (US-Pat No: 5,832,229) and further in view of Hunt et al. (US-Pat No: 5,893,091) and Miller (US-Pat No: 5,727,002).

Claim 1: A method for sending video and audio data through a network, (Multicast is defined e as the case when a server sends data (e.g., a file) to a subset of the entire client nodes connected to the network. The multicast transmission can be in two forms: "application layer (AL) multicast" and "multicast IP". Tomada discloses a multicast communication scheme which can enable a user to easily comprehend the multicast groups existing on the network, easily carry out an operation to join a desired multicast group, and easily specify a desired communication quality. At each user terminal, a virtual space with a plurality of regions defined therein in correspondence to a plurality of multicast groups is displayed on a screen, while information indicating a range of each region in the virtual space is stored in correspondence to address information for a corresponding multicast group. A desired position in the virtual space on the screen is specified by an input device, abstract) and the method comprising:

- the computer-implemented acts of: sending said video and audio data in uncompressed form through said network using a multicast protocol for sending said video and audio data for sending said video and audio data; (Tomada et al do not explicitly disclose the video and audio data in an uncompressed form through network, but Miller et al. in col 13, lines 32-49 discloses that the data fie is then read in from the tape or floppy into a file system of the transmission server. Therefore, it is obvious for an ordinary skill in the art to employ Miller's invention because while acknowledgment is

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a part of TFTP, the acknowledgment scheme used in TFTP becomes very inefficient as network delay becomes significant and/or is different for two or more of the receiving nodes. Like TFTP, some other known data transfer mechanisms require packet-by-packet acknowledgment, and thus these other mechanisms also are relatively slow at transferring the entire amount of data and it is necessary to provide both fast and reliable transmission of files from a server to one or more clients over a communications link.

-using an error correction to reduce packet loss when sending said video and audio data. (joining/leaving to/from multicast groups is controlled by using the address information stored in correspondence to a region in the virtual space which contains the desired position. The display on the screen may include a plurality of zones defined within each region in correspondence to a plurality of different communication qualities, so that a communication quality of a multicast communication to be received can be controlled according to a zone within a region in the virtual space which contains the desired position. (Abstract and col 2, lines 66-67 and col 3, lines 1-67 and col 4, lines 1-53).

Claims 33, 35 and 55 reject the same limitations as claim 1 and are rejected by the same rational.

Claim 2: A method of transferring data comprising: receiving a first video data stream at a first machine; multicasting the first video data stream in uncompressed and raw form through a network; receiving the first video data stream at a second machine; and playing the first video data stream on the second machine. (Tomada et al. discloses a multicast communication scheme which can enable a user easily comprehend the multicast groups existing on the network, easily carry out an operation to join a desired multicast group, and easily specify a desired communication quality. At each user terminal, a virtual space with a plurality of regions defined therein in correspondence to a plurality of multicast groups is displayed on a screen, while information indicating a range of each region in the virtual space is stored in correspondence to address information for a corresponding multicast group. A desired position in the virtual space

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on the screen is specified by an input device, and joining/leaving to/from multicast groups is controlled by using the address information stored in correspondence to a region in the virtual space which contains the desired position. The display on the screen may include a plurality of zones defined within each region in correspondence to a plurality of different communication qualities, so that a communication quality of a multicast communication to be received can be controlled according to a zone within a region in the virtual space which contains the desired position. (abstract and col 2, lines 66-67 and col 3, lines 1-67 and col 4, lines 1-53, Tomada)

Claims 34 and 55: teach the same limitations as claim 2 and rejected by the same rational.

Claim 3: The method of claim 2, wherein: the first video data stream includes audio data. (Col 1, lines 61-67, Tomada)

Claims 32 and 38: teach the same limitations as claim 3 and rejected by the same rational.

Claims 4 and 36: The method of claim 2, further comprising: receiving the first video data stream at a third machine; and playing the first video data stream on the third machine. (Fig. 7 and col 10, lines 5-15)

Claims 5 and 37: The method of claim 4, further comprising: receiving the first video data stream at a fourth machine; and playing the first video data stream on the fourth machine. (This is an obvious step because "Multicast" is defined e as the case when a server sends data (e.g., a file) to a subset of the entire client nodes connected to the network. The multicast transmission can be in two forms: "application layer (AL) multicast" and "multicast IP").

Claims 6 and 39: The method of claim 2, further comprising: receiving a second video data stream at the second machine; multicasting the second video data stream in uncompressed and raw form through the network; receiving the second video data stream at the first machine; and playing the second video data stream on the first machine. (Col 11, lines 1-65, Tomada et al.)

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Claims 7 and 40: The method of claim 6, further comprising: receiving the second video data stream at a third machine; and playing the second video data stream on the third machine. (FIG. 7 is a block diagram showing an exemplary internal configuration of a reaching range attaching unit in the multicast communication system of FIG. 1).

Claims 8 and 41: (The method of claim 6, further comprising: receiving the second video data stream at a third machine; and playing the second video data stream on the third machine. (FIG. 7 is a block diagram showing an exemplary internal configuration of a reaching range attaching unit in the multicast communication system of FIG. 1).

Claims 9, 28 and 42: The method of claim 2, further comprising: selecting a website at the first machine; displaying the website at the first machine; and displaying the website at the second machine. (Col 4, lines 38-67, Hunt et al.)

Claims 10 and 43: The method of claim 9, further comprising: displaying the website at a third machine. (Col 4, lines 38-67, Hunt et al.)

Claims 11 and 44: The method of claim 10, further comprising: receiving the first video data stream at a third machine; and playing the first video data stream on the third machine. (Col 4, lines 38-67, Hunt et al.)

Claim 12: The method of claim 11, further comprising receiving a second video data stream at the second machine; multicasting the second video data stream in uncompressed and raw form through the network; receiving the second video data stream at the first machine; playing the second video data stream on the first machine; receiving the second video data stream at a third machine; and playing the second video data stream on the third machine. (Miller et al discloses that files to be transferred to the clients can be loaded onto the server via tape (e.g., the tape drive 66 of FIG. 5) or, if the files are small enough, by floppy (e.g., the floppy drive of FIG. 5). Also, files to be transferred can be loaded onto the server via FTP (File Transfer Protocol), or some other unicast transfer mechanism, from the source of the file over a LAN or other network, for example. The files generally can be in any format. The data file is then

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read in from the tape or floppy into a file system of the transmission server. Note that the server must have sufficient space available to read in an uncompressed copy of the data file. For both services, the data file also can be encrypted so that no eligible receivers cannot receive and use the data file. Each transmission file preferably is uniquely identified. There preferably is an indication as to its content and time of generation. Col 13, lines 32-49)

Claim 13: The method of claim 2, wherein the network is a local area network. (Fig. 2 and col 13, lines 18-29, Miller).

Claims 14, 29, 46-47 teach the same limitations as claim 13 and rejected by the same rational.

Claims 15, 31 and 48: The method of claim 2, wherein: the network is a wide area network. (Fig. 2 and col 13, lines 18-29, Miller).

Claim 16: The method of claim 2, wherein: the network is an intranet. (Col 7-19, Hunt et al.)

Claims 17: The method of claim 2, further comprising: multicasting the first video data stream from the second machine back to the first machine. (Col 2, lines 12-30, Hunt et al.)

Claims 18 teach the same limitation as claim 17 and are rejected by the same rational.

Claims 19, 23, 27, 49, 26, and 50: teach the same limitations as claim 17 and rejected by the same rational.

Claim 20: The method of claim 2, wherein: multicasting includes use of TCP packets and UDP packets in a BDP acknowledgment sequence to verify delivery. (Col 13, lines 32-46, Hunt et al.)

Claims 21: The method of claim 20, wherein TCP packets are sent forward and corresponding UDP packets are sent back responsive to the TCP packets. (Col 13, lines 46-67 and col 14, lines 1-30).

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Claims 22, 24-25, and 45: teach the same limitations as claim 12 and rejected by the same rational.

Claims 52, 62-64: teach the same limitation as claim 20 and are rejected by the same rational.

Claims 53, 65- 66: teach the same limitation as claim 20 and are rejected by the same rational.

Claims 56-60: The apparatus of claim 54, wherein: the video capture component is a video camera and a display, the network interface is a LAN card, a modem and the audio data capture component is a microphone. (the following steps in the claims are obvious because in multicasting across a computer network the video capture component, video output component, network interface or LAN card, a network interface or modem, and the audio data capture component or microphone or all can be added to the system for improving the performance.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (571) 272-3915. The examiner can normally be reached on 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cordone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mitra Kianersi  
10/16/2008

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2445